



Virginia
Regulatory
Town Hall

Exempt Agency Proposed Regulation Agency Background Document

Agency Name:	Virginia Department of Environmental Quality
VAC Chapter Number:	9 VAC 25-120-10 et seq.
Regulation Title:	General Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation for Discharges from Petroleum Contaminated Sites and Hydrostatic Tests
Action Title:	Amend existing regulation and reissue General VPDES Permit VAG83 to discharge to State waters
Date:	August 7, 2002

Where an agency or regulation is exempt in part or in whole from the requirements of the Administrative Process Act (§ 9-6.14:1 *et seq.* of the *Code of Virginia*), the agency may provide information pertaining to the action to be included on the Regulatory Town Hall. The agency must still comply the requirements of the Virginia Register Act (§ 9-6.18 *et seq.* of the *Code of Virginia*) and file with the Registrar and publish their regulations in a style and format conforming with the *Virginia Register Form, Style and Procedure Manual*. The agency must also comply with Executive Order Fifty-Eight (99) which requires an assessment of the regulation's impact on the institution of the family and family stability.

This agency background document may be used by agencies exempt pursuant to § 9-6.14:4.1(A) at the proposed stage. Please refer to the *Virginia Register Form, Style and Procedure Manual* for more information.

Summary

Please provide a brief summary of the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation; instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

This proposed regulatory action will set forth guidelines for the permitting of the discharge to surface waters of wastewaters from sites contaminated by petroleum products or the resulting from the hydrostatic testing of petroleum and natural gas storage tanks and pipelines. The State Water Control Board proposes to reissue the general permit with limitations and monitoring requirements for the following parameters; 1) For discharge of gasoline contaminated wastewaters to freshwater receiving waters; estimated flow in millions of gallons per day;

benzene, maximum 50 micrograms per liter; toluene, maximum 175 micrograms per liter; ethylbenzene, 320 micrograms per liter; total xylenes, 82 micrograms per liter; MTBE, 1,840 micrograms per liter; pH 6.0 minimum, 9.0 maximum; total recoverable lead is limited based on a formula dependant on hardness; and monitoring is required for hardness. Monitoring frequency is once per month. 2) For discharge of contamination by petroleum products other than gasoline to freshwater receiving waters; estimated flow in millions of gallons per day; naphthalene, 62 micrograms per liter maximum; total petroleum hydrocarbons; 15 milligrams per liter; pH minimum 6.0, maximum 9.0. Monitoring frequency is once per month. Additionally, monitoring once per year is required for semi-volatile organics, volatile organics, and dissolved metals. 3) For discharges of hydrostatic test waters; estimated flow in million gallons per day; pH, minimum 6.0, maximum 9.0; total petroleum hydrocarbons, 15 mg/l maximum; total residual chlorine, 0.011 mg/l maximum; monitoring only for total organic carbon and total suspended solids. Monitoring frequency is once per discharge. 4) For discharges of gasoline contaminated wastewaters to saltwater receiving streams; estimated flow in millions of gallons per day; benzene, 50 micrograms per liter; toluene, 500 micrograms per liter; ethylbenzene, 4.3 micrograms per liter; total xylenes, 74 micrograms per liter; MTBE, 440 micrograms per liter; pH 6.0 minimum, 9.0 maximum; total recoverable lead, 8.5 micrograms per liter. Monitoring frequency is once per month. 5) For discharges of contamination by petroleum products other than gasoline to saltwater receiving waters; estimated flow in millions of gallons per day; naphthalene 23.5 micrograms per liter; total petroleum hydrocarbons, 15 milligrams per liter; pH 6.0 minimum, 9.0 maximum. Monitoring frequency is once per month. Additionally, monitoring once per year is required for semi-volatile organics, volatile organics, and dissolved metals. The regulation also sets forth the minimum information requirements for all requests for coverage under the general permit.

Additional Information

Please indicate that the text of the proposed regulation, the reporting forms the agency intends to incorporate or use in administering the proposed regulation, and a copy of any documents to be incorporated by reference are attached. Please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law.

The text of the proposed regulation and the reporting forms the Department of Environmental Quality intends to use in administering the proposed regulation are attached.

The Office of the Attorney General has certified that the Department of Environmental Quality has the statutory authority to promulgate the proposed amendments to the regulation under applicable law, including Chapter 3.1 of Title 62.1 of the Code of Virginia, and that the requirements of §2.2-4006.A.9(i) and (ii) have been satisfied and upon satisfaction of §2.2-4006.A.9(iii) and (iv), the regulation will be exempt from the operation of Article 2 of the Administrative Process Act, §§2.2-4006 et seq. of the Code of Virginia.

Family Impact Statement

Please provide an analysis of the proposed regulatory action that assesses the potential impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The regulation will have no direct impact on the institution of the family or family stability.